

**DORSEY WILL
ASK**

**DEATH
SENTENCE**

**FOR FRANK
TODAY**

Although Supreme
Court

Mandate Has Not
Yet

Been Handed
Down, He

Will Present Habeas
Cor-

pus Writ.

***NO LEGAL
OBSTACLES***

NOW EXIST, HE SAYS

Declares Is Expected
to

Contest Plea,
Holding

That Sentence
Cannot Be

Passed Until
Mandate

Arrives.

Although the mandate of the United States Supreme Court, which recently refused to interfere in the Leo M. Frank Case, has not yet reached Atlanta, Solicitor General Hugh M. Dorsey will appear before Judge Ben Hill this morning and ask that the Prisoner be ordered before the Court to be resented without further delay.

Judge Hill's decision is expected to establish a precedent, since he will have to pass on the Question of the right of the State to resentence a Prisoner before legally notified by the highest Court in the land.

When it was learned last night that the proposed action would be taken, Dorsey stated that it was solely an effort to prevent delay, and that he intended submitting to Judge Hill the proposition of deciding whether or not it was legally necessary to await the Supreme Court mandate.

Defense Will Contest.

Dorsey's Plea will, it is stated, be contested by the Defense, who will argue that the Habeas Corpus Writ—which will bring Frank before Judge Hill for process of resentence—should not be granted until Official notification of the Supreme Court's Decision has been received in the forthcoming mandate, which is due May 20.

Judge Hill stated last night he had not heard of the proposed Plea.

In event the Habeas Corpus Writ is granted, Frank will be carried to the Courthouse within twelve hours, brought before Judge Hill and resented to die within a period of not exceeding forty days, or less than twenty. It will be the fourth time that his death date has been fixed. Three times it has been set, only to be suspended for further action of the various Courts through which it has been carried.

No Legal Obstacles.

The Plea for Habeas Corpus will contain a Brief summary of the Court actions upon the Frank Case, and the allegation that there now exists, all superseding orders entered in the Case having been dissolved, no legal obstacle to the Execution of the Sentence passed by Judge L. S. Roan, August 26, 1913.

The prayer of the Solicitor will read in this form:

“That the Court grant the State’s Writ of Habeas Corpus, directed to C.W. Mangum, Sheriff, commanding and requiring him to produce the person of Leo M. Frank, before the Court at such time as to the Court seems meet and proper, to the end that the date of the Execution of the Sentence heretofore passed by the Court may be reset and the Judgment of the Court carried out.”
